

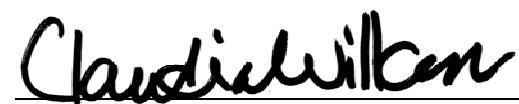
1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
3 ERIC RICHARD, No. C 09-04767 CW (PR)  
4 Plaintiff,  
5 v. ORDER OF DISMISSAL WITHOUT  
6 ARNOLD A. SCHWARZENEGGER, et al., PREJUDICE  
7 Defendants.  
8 \_\_\_\_\_/

9 On October 6, 2009, Plaintiff, a state prisoner, filed a  
10 document entitled "Sworn 18 U.S.C. § 4 Notice for Criminal  
11 Complaint," which the Clerk of the Court construed to be a civil  
12 rights action under 42 U.S.C. § 1983. On the same day the action  
13 was filed the Clerk sent a notice to Plaintiff, informing him that  
14 his action could not go forward until he paid the filing fee or  
15 filed a completed prisoner's in forma pauperis application. The  
16 Clerk sent Plaintiff a blank in forma pauperis application and told  
17 him that he must pay the fee or return the completed application  
18 within thirty days or his action would be dismissed.

19 More than thirty days have passed and Plaintiff has not paid  
20 the filing fee or filed a completed prisoner's in forma pauperis  
21 application.

22 Accordingly, this action is DISMISSED WITHOUT PREJUDICE. The  
23 Clerk of the Court shall close the file.

24 IT IS SO ORDERED.  
25 Dated: 12/29/09

  
26 CLAUDIA WILKEN  
27 UNITED STATES DISTRICT JUDGE  
28

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

ERIC RICHARD NELSON,

Plaintiff,

Case Number: CV09-04767 CW

1

ARNOLD A. SCHWARZENEGGER et al.

Defendant.

## **CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

11 That on December 29, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said  
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located  
in the Clerk's office.

Eric Richard J-59564  
AKA Eric Richard Eleson  
Salinas Valley State Prison  
P.O. Box 1050 / A-1-105Low  
Soledad, CA 93960

Dated: December 29, 2009

Richard W. Wiekling, Clerk  
By: Sheilah Cahill, Deputy Clerk